

## **KENTUCKY BOARD OF RESPIRATORY CARE**

### **MINUTES May 15, 2019**

A special meeting of the Kentucky Board of Respiratory Care was held on Wednesday, May 15, 2019 at Keeneland Meeting Room, Lexington Residence Inn, 3110 Wall St. Lexington, KY 40513

#### **MEMBERS PRESENT**

Thomas Baxter, RRT, Chair  
William Garrison, RRT, Vice Chair  
Darrell Heckman, Citizen at Large  
James McCormick, MD  
Ken McKenney, RRT  
Timothy Roark, RRT

#### **KBRC STAFF**

Tamara G McDaniel, Executive Director  
Rick L. Rose, Administrative Assistant  
  
David C. Trimble, Legal Counsel

#### **Call to Order**

Chairman Baxter called the meeting to order at 5:39pm.

#### **Minutes**

A motion was made by Mr. Heckman, seconded by Dr. McCormick to accept the meeting minutes of February 21, 2019. Motion carried unanimously.

#### **Financial Statement**

Ms. McDaniel presented the financial reports for February, March and April 2019 along with the year-to-date budget report. Dr. McCormick made a motion to accept the financials; seconded by Mr. Roark. Motion carried unanimously.

#### **Staff Report**

Ms. McDaniel and Mr. Rose gave an update on activities since the last meeting.

#### **Old Business**

1. Ms. McDaniel presented a letter from KHEAA regarding the repeal of KRS 164.772. As a result of HB 118 signed on March 11, 2019, individuals are no longer subject to the revocation, suspension or denial of an occupational or professional license based upon failure to repay a obligation to KHEAA.

2. Ms. McDaniel presented a report of future finances to the Board in regards to the increase in retirement percentage to 83.43%. Mr. Roark reported on the meeting he an Ms. McDaniel had with the Kentucky Society for Respiratory Care President, Tim Hadden, regarding the need for a fee increase. A motion was made by Mr. Garrison, seconded by Mr. McKenney to increase the bi-annual fee for renewal of the mandatory license to \$135.00. Motion carried unanimously.

3. Ms. McDaniel reported that Mr. William Nichols has accepted the offer of an Agreed Order.

### **Closed Session**

Mr. Garrison made a motion for the Board to go into closed session, pursuant to KRS 61.810(1) (c) and (j), to discuss proposed or pending litigation and to deliberate regarding individual adjudications. Mr. Roark seconded the motion. The motion carried unanimously.

Mr. Garrison made a motion to come out of closed session; seconded by Mr. Heckman. Motion carried unanimously.

### **Agreed Orders – Compliant Cases**

#### **Aubrey Bryant**

KYPRN reported Aubrey Bryant is compliant. No action on the case.

#### **Wendall Embry**

KYPRN reported Wendall Embry is compliant. No action on the case.

#### **Shannon Gerlach**

KYPRN reported Shannon Gerlach is compliant. No action on the case.

#### **Cheryl Pasquariello**

Ms. McDaniel reported that Cheryl Pasquariello is compliant. No action on the case.

#### **Timothy Sitterding**

Ms. McDaniel reported that Timothy Sitterding is compliant. No action on the case.

#### **Jason Rigsby**

KYPRN reported that Jason Rigsby is compliant. No action on the case.

#### **Sara Sparks**

KYPRN reported Sara Sparks is compliant. No action on the case.

### **KYPRN Non-Compliant Cases**

Samantha Adkins – KYPRN reports that Ms. Adkins continues to have positive drug screens for a medication that she has an expired prescription for. A motion was made by Mr. Garrison, seconded by Dr. McCormick, to offer Ms. Adkins a second Amended Agreed Order with the following terms: 1. That her license be suspended until June 30, 2020. 2. That the suspension shall be probated until June 30, 2020 as long as she is compliant with the terms of her KYPRN agreement and the second Amended Agreed Order.

### **Active Complaint Cases**

1. Amber Pridemore #6174 - The Board reviewed medical records provided by Ms. Pridemore. A motion was made by Mr. Garrison, seconded by Dr. McCormick to dismiss the complaint against Ms. Pridemore. Motion carried unanimously.

2. Debbie Muehlenbein #7248 – Complaint by S. Pettinichi, Norton Children’s Hospital – The Board reviewed correspondence from Ms. Muehlenbein’s legal counsel rejecting the offer of Agreed Order. A motion was made by Mr. Garrison, seconded by Dr. McCormick to file a Formal Complaint and move forward with an Administrative Hearing against Ms. Muehlenbein. Motion carried unanimously.

3. Kati Compton #7072 – Self reported misdemeanor. A motion was made by Mr. Garrison, seconded by Dr. McCormick to send Ms. Compton a letter of Admonishment. Motion carried unanimously.

### **New Business**

1. Dr. Brian Houillion, Executive Director, Department for Local Government, spoke to the Board about multi-state licensure portability. With a vote of 5 – 1, the Board approved Dr. Houillion’ s request to move forward with a feasibility study and report back to the Board at the June 20, 2019 meeting.

2. Application Review - Ms. McDaniel reported that there were 52 Mandatory applications and 24 Limited Mandatory (student) applicants with no declarations of felonies and 0 KHEAA deficiency. A motion was made by Mr. Roark, seconded by Mr. Garrison, to accept all (76) applications. Motion carried unanimously.

The following **Limited Mandatory applications (24)** were approved: Amanda Benningfield, Michael Bessette, Selina Bradley, Sara Breeze, Amy Day, Kallie Driver, Ashlie Hamilton, Hallie Hardin, Michael Henson, Patricia House, Morgan Hubbs, Haylee Jantzen, Tyler Kabler, Austin Kelly, Abigail Kennard, Jarred Lawless, Geena Ray, Aleesha Stringer, Kaitlyn Wallace, Autumn Weston, Lauren Winburn, Samantha Zuber, Connor Meeks, Christina Sanders and Le’Metria Sickles.

The following **Mandatory applications (52)** were approved: Taylor Adkins, Andrea Aguilar, Mary Ann Allen, Earl Autry, Bailey Barton, Charles Bowens, Rick Brymer, Wanda Burrow, Janet Carlisle-Hager, Melinda Childress, Susan Dewey, Chelsey Dudley, Gaelle Etienne, Heather Gannon, April Harris, Stephen Hefferman, Barbara Hamlin, Austin Havlin, Justin Johnson, Bridget Kirk, Pamela Lambert, Elizabeth Lenhardt, Courtney Lewis, Lisa Link, Amy Logsdon, Cheree Mann, Erin Marx, James Matchuny, Gerald McDaniel, Kimberly Phillips, Jacqueline Nipper, Christopher Nordhoff, Eric Pitt, Deirdre Rainville, Erin Rhodes, Emily Sandlin, Gordon Sawyer, Chapauli Siakam, Carrie Slone, David Stephen, Lindsay Taylor, Stacey Thomas, Tonya Thomas, Kimberly Turner, Tyler Voorhees, Blake Wagner, Whitley Wesley, Samantha Wilson, Alexis Witter, Tonya Woods,

3. Audits and non-audits for Board review:

Shelly Berger # 0447 – Requesting Medical Exception: A motion was made by Mr. Roark, seconded by Dr. McCormick, that Mr. Berger be granted a medical exception and that the Board accepts the continuing education that Mr. Berger provided during his renewal. Motion carried with a vote of 5 -1.

Marion Johnson #5623 – Providing false information on renewal: A motion was made by Dr. McCormick, seconded by Mr. Garrison, that Ms. Johnson be offered an Agreed Order stating that she shall show proof of 24 additional, acceptable continuing education units (CEUs). That she shall pay a \$500 fine and that she shall be prohibited from using the online renewal process for one renewal cycle and shall be subject to audit of her renewal application for one renewal cycle. Motion passed unanimously.

Rebecca Shackleford #4523 Providing false information on renewal: A motion was made by Dr. McCormick, seconded by Mr. Garrison, that Ms. Shackleford be offered an Agreed Order stating that she shall show proof of 24 additional, acceptable continuing education units (CEUs). That she shall pay a \$500 fine and that she shall be prohibited from using the online renewal process for one renewal cycle and shall be subject to audit of her renewal application for one renewal cycle. Motion passed unanimously.

Melissa Pearl #2819 Providing false information on renewal: A motion was made by Dr. McCormick, seconded by Mr. Garrison, that Ms. Pearl be offered an Agreed Order stating that she shall show proof of 24 additional, acceptable continuing education units (CEUs). That she shall pay a \$500 fine and that she shall be prohibited from using the online renewal process for one renewal cycle and shall be subject to audit of her renewal application for one renewal cycle. Motion passed unanimously.

4. Ms. McDaniel reported the following CEU violation Agreed Orders had been issued:

Audit Agreed Orders:

Lisa Campbell, Carol Ehlers, Catherine Fahrner, Morgan Miracle, Vanessa Taber, Amy Collinsworth.

Non-Audit Agreed Orders:

Richard Agyemang, Shelley Berger, Joan Cassell, Louis Cordell, Paula Cyrus, Sonja Estes, David Hain, Alicia Haynes, Brett Holland, Christopher Hovekamp, Melinda Hudson, Margaret Jackson, Sarah Maldonado, Brandee McCoy, Rachel Newman, Marty Potter, Jacey Spencer, Penny Turnmire, Veronica Terry Sharise Workman, Shawn Yates.

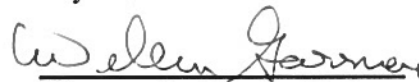
5. Requesting Mandatory Certificate: Jason Perdue. Mr. Perdue is requesting reissue of his mandatory certificate #5466. A motion was made by Mr. Garrison, seconded by Mr. Heckman, to restore Mr. Perdue's Mandatory Certificate without restrictions once he has restored his NBRC credential and makes application to the Board. Motion passed unanimously.

Announcements

1. Ms. McDaniel reported that the next meeting will be Thursday, June 20, 2019 at 5:30 p.m., EST at the Keeneland Meeting Room, Lexington Residence Inn, 3110 Wall St. Lexington, KY 40513

2. Approval of Per-diem, Compensation, Travel and Honoraria - A motion was made by Dr. McCormack seconded by Mr. Garrison, to approve the payment of per diem, compensation, travel at 41 cents per mile, and honoraria for board members. Motion carried unanimously.

3. Mr. Roark made a motion to adjourn the meeting, seconded by Dr. McCormack. Motion carried unanimously. Meeting adjourned at 9:30 p.m.



Thomas D. Baxter, Chair

KY Board of Respiratory Care

William Garrison Vice Chair